

REMARKS

This document responds to that Notice of Non-Compliant Amendment dated March 22, 2007. The Notice suggests that the “Amendment & Response” filed on January 29, 2007 was non-compliant because it failed to indicate withdrawal of claims 3, 15, 16, 21, 22 and 26.

In order to be “compliant”, Applicant has withdrawn the subject claims, and provides herewith a “Re-submitted Amendment to the Claims” section to be substituted for that section of the January 29, 2007 “Amendment and Response”.

Nonetheless, Applicant does not concede that any or all of claims 3, 15, 16, 21, 22 and 26 do not pertain to the elected species of Fig. 8.

Rather, Applicant submits and argues that claims 3, 15, 21, 22 and 26 do, in fact, pertain to the elected species 8 (Figs. 23-26) as follows:

Claim 3 recites “at least one discontinuous groove that extends through a partial portion of the top-and of the bottom”. This feature is found at least by reference to items 160 in Fig. 23 and text on page 23 (center and right most grooves).

Claim 15 recites “the upper surface is non-parallel to the lower surface”. This feature is found at least by reference to Fig. 26 and text on page 25 (top 116 and bottom 115 are tapered to provide spiral lordosis).

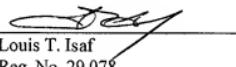
Claim 21 recites “the body is a section from the shaft of a femur and comprises a portion of the femur medullary cavity”, Claim 22 recites “the body further comprises a metallic sheath”, and Claim 26 recites “the body comprises a plurality of bonded layers”. These features are all stated as pertaining to the Species of Figs. 23-26 by the references in the last paragraph of page 22 of the specification.

In view of the above remarks, Applicant courteously requests that the Examiner reverse his prior request and that the withdrawal of claims 3, 15, 21, 22 and 26 be vacated, provided they are made dependent upon claim 1 (rather than canceled claim 14).

Nonetheless, the Amendment & Response to the Office Action dated September 28, 2006 has hereby been made “compliant”.

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
(404) 872-7000 (Telephone)
(404) 888-7490 (Facsimile)

Respectfully submitted,


Louis T. Isaf
Reg. No. 29,078

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